



LET.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10 / Reg. 46  
Reconsider  
DETAINS  
9-7-02

In re application of

Docket No: Q61786

~~Kyoko HIGASHINO, et al.~~

Group Art Unit: 2834

~~Appln. No.: 09/737,564~~

~~Confirmation No.: 9907~~

Examiner: Pedro J. Cuevas

~~Filed: December 18, 2000~~

For: STATOR FOR AN ALTERNATOR

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REQUEST FOR RECONSIDERATION

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated June 12, 2002, reconsideration and allowance of the subject application are respectfully requested. Upon entry of this request claims 1, 2 and 5-10 are pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

Claims 1, 2 and 5-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Umeda et al. (USP 6,204,586; hereafter "Umeda") in view of Taji et al. (USP 6,208,058; hereafter "Taji"). Applicant respectfully traverses the prior art rejection.

With regards to the § 103 rejection, Applicant submits that the present application and the Taji patent were commonly owed by, or subject to an obligation of assignment to, Mitsubishi Denki Kabushiki Kaisha, at the time the invention in the present application for patent was made.

REQUEST FOR RECONSIDERATION  
U.S. Patent Appln. No. 09/737,564

Pursuant to §4807 of the American Inventors Protection Act of 1999, subject matter which was prior art under former 35 U.S.C. §103(c) via 102(e) is disqualified as prior art against a claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." The change to §103(c) applies to any patent application filed on or after the date of enactment of November 29, 1999. Applications and references will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. See MPEP 706.02(1)(2)(II).

In the present case, the Taji patent is prior art under 35 U.S.C. § 102(e) since the Taji patent issued on March 27, 2001 while the present application was filed in the United States on December 18, 2000. Accordingly, the Examiner is requested to remove §103 rejections since the Taji patent is now disqualified as §102(e) prior art in a rejection under §103 against the claimed invention.

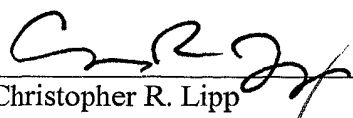
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

REQUEST FOR RECONSIDERATION  
U.S. Patent Appln. No. 09/737,564

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: September 4, 2002

Attorney Docket No.: Q61786